App F IX-4

Previous References

1954-55 (CM)

File No 427-54-
Serial Nos 4, 5

Later References

P=16
C

MYSORE GOVERNMENT SECRETARIAT

Serial Nos Fwd

Part B for August 1954

SUBJECT

Rules framed under ~~the~~ Section 72(5) of the city Municipalities Act ~~for~~ appeal to the Managing Committee on the Orders of the Commissioner

WD 03555—GPB—25 000—2 7 53

To,

The Municipal Commissioner
Mysore city Municipality
L 5244/ Dated 4 8.54
Conveys certain information

16/9/54

8053/Vol

Rules framed under Sec 72 (5) of C.M. Act for appeal to a Managing Committee or an order of Council (1)

77/KD

From

The above mentioned C2 PR 135/48 dtd 12th March 54 forwarding copies of correspondence in which Govt framed rules under Sec 72 (5) of C.M. Act in regard to appeal of Govt to the rules framed by the Cl

Under Sec 72 (5) of C.M. Act an appeal lies to a Managing Committee from every order of the Council under subsection (4) as rules have to be framed by the Municipal Council in this behalf. The Mysore City Municipal Council has framed a set of rules as provided in the above section and has sent it for approval of Govt. The Law Secy may please examine if the rules framed by the Municipal Council in this behalf are in order and may be approved on its behalf or in order as may be approved

2) May kindly be referred to Law Secy

RS) 29/3

Engr 30/3

3/ 9/4

Secy Law)

4/ For favour of remarks

Law Secy)

5/ 10/4

Under S 72(5) of the Karnataka Municipalities Act, the municipal Council is competent to frame the rules subject to approval of Government. Govt does not appear to be legally necessary

6) The Administrative Secy may be requested to indicate

7/ Secy 12/4/54

Sr K Nly 12/4/54

12 APR 1954

Jsy 13/4/54

JSR 13/4/54

Rules framed under Sec 72(5) of the City Municipalities Act for appeal to the Managing Committee on the orders of the Commr

8053 Rev 77/LD (2)

"A" indicate whether any rules had been made under for purposes of section 72(5) either in Bangalore City or Mysore City If rules had been made, a copy of the rules may be placed in the file, if not, they may be requested to ascertain and intimate how action was being taken in pursuance of this sub-section during the last twenty years, since the Act came into force on 1-8-1933

Mas 13/4/54

Law Secy

74 15 APR 1954 LAW DEPARTMENT

SECRETARY TO GOVERNMENT 4/5 1954 LAW DEPARTMENT

9) I kindly furnishing the information mentioned at "A"

Secretary (L SG)

10) 14/4 Mas 14/4/54

11) 15/4

12) A draft letter to put up for appl

13) Issue

20/4 Sec 21/4

Issued in L 1039 of 27 4 54

To the Rly Mys Hyd pt

Enquiries

Sec B 1/5

8053, 876, 1673/191

Mysore Government Secretariat

Rules framed under Section 72(5) of the City Municipalities Act

[App F III 2

File No of 195 (3)

Serial No	
	From The Dll Comm Mysore City - M.C. C2 PR 135/48-49 - D 30-4-52 Furnishes the information called for
14	The Dll Comm states that except the Rules for which sanction is sought for, no Rules had been framed previously As to the question how action was being taken during the last 20 years or since the Act came into force, he has reported that the general principle enunciated in para 2 to 5 in Chapter VII page 45 of the Municipal Rules & Byelaws were being followed
15	Subject to ref to para 9 supra The file may be submitted to the Govt Secy 95/2015 — — — — — — — — — — 16 Pl see Para 8 What is the position 8/5/2015 in Bylaw city 27/5
	Corporation Secy 95/3/6 Per Basket Para III & A refers to 157 Page 37 & 158 the Corporation Act 8/5/16
17	Please see page 157 of the Corporation Act. Rules 21 & 22 Contemplate that after the orders of the Corporation Comm, an appeal will lie to a Committee called the Taxation Appeals Committee Consisting of three members of the Corporation elected by it Further the appeal will be to District Court, Bijapur

Note — Contn Sheet

Rules framed under Sec 72(5) of the City Municipal Act for appeal to the Managing Committee on the orders of the Commr

8053 Rev 77/LD

"A" indicate whether any rules had been made ~~under~~ for purposes of section 72(5) either in Bangalore City or Mysore City If rules had been made, a copy of the rules may be placed in the file, if not, they may be requested to ascertain and intimate how action was being taken in pursuance of this Sub-section during the last twenty years, since the Act came into force on 1-8-1933

Mas 13/4/54

9) In reply furnishing the information mentioned at "A"

Secretary & Sec) 14/4/54

10) Mas 14/4/54

11) 15/4

12) Draft letter is put up for approval

13) Issue

20/4 21/4

Issued L 1039 dt 27 4 54 to the Rly. Mys Hqs Pt

Enquiries

Sub B 1/5

15 APR 1954 Law Secy

SECRETARY TO GOVERNMENT LAW DEPARTMENT 1954

8053, 876, 1673/191

Mysore Government Secretariat

Rules framed under Section 72(5) of the Ajy-Mlbes Act

File No of 195 (3)

[App F III 2

Serial No

From

The Pll Comm Mysore Ajy-Mys
C2 PR 135/48-Leg-Dt 30-4-52
Furnishes the information called for

14 The Pll Comm states that except the rules for which sanction is sought for, no rules had been framed previously

As to the question how action was being taken during the last 20 years or since the Act came into force, he has reported that the general principle enunciated in para 2 to 5 on Chapter VII page 45 of the Municipal Rules & Bye laws were being followed

15 Subject with ref to para 9 supra

The rule may be subject to the Laws Ly

9S
20/5

16 Pl see Para 8 - What are the powers
8m 20/5 in Belore Ajy
27/5

Corporation Rules

9S
5/6

per Basheer Power III & A refers to 187 & 189 of the Corporation Act
5/7/6

17 Please see page 157 of the Corporation Act Rules 21 & 22 Contemplate that after the orders of the Corporation Comm an appeal will lie to a Committee called the Taxation Appeals Committee Consisting of three members of the Corporation elected by it

Further the appeal will be to District Court, Bglre

Notes — Contn Sheet

(4) 876/M1

Rules framed under Section 72(5) of the City-Mfles Act

File No City-Mfles Act 77/LD of 195

Mysore Government Secretariat

Serial No

Division against any decision of the Taxation Appeals Committee. This is about Corporation whereas in City-Mfles Act from every order of the Mfl Commy, there shall be an appeal in accordance with the rules to be framed by the Mfl Govt in this behalf to the Managing Committee whose decision shall be final

19 The rules are very clear in the case of Corporation as the aggrieved party can seek remedy even in the Courts whereas in City-Mfles the decision of the Mfl Govt as final. Therefore specific rules in this behalf have to be framed by the Mfl Govt under Section 72(5) of the City-Mfles Act 1933

With the above information the file may be placed to the Law Secy Ref para 9 supra

95 10/11/6 200 15/6 ALS Law 15/6

20) This file may please be got marked to the Assistant Secretary, Legislation department as it was formerly dealt with in that department (vide paras 6 to 8 of the notes)

Superintendent Municipal Branch 21/6/54

Assistant Secy Legislation 22/6/54

GENERAL & REVENUE SECRETARIAT 22 JUN 1954 MUNICIPAL BRANCH.

23/6/54

WD 04861—GPB—60000—22-1951

Mysore Government Secretariat

Rules framed under Sec 72(6) of the City Municipalities Act

File No 72 of 195 (5)

[App F III 2

Serial No

21) In the circumstances stated by the Administrative Secretariat, rules may be made by the Mysore Municipal Council as proposed omitting rule 9 as it does not fall within the scope of the (rule making) powers available under sub-section (6) of section 72 of the Mysore City Municipalities Act, 1933, and has been provided for in the sub-section itself. The provision of law under which the rules have to be approved by the Govt is not clear, if there is no rule or order under section 228 or any other provision laying down that the Govt's approval is necessary, the Municipal Council may be informed that they may themselves make the rules

22) It is however desirable to suggest to the Municipal council that the rules may be made after previous publication since they affect the public and it is preferable to [illegible] consider objections and suggestions from them

Mas 10/7/54

Law Secy

23) 13/7/54

Mas 13/7/54

Asst Secy Municipal

SECRETARIAT TO GOVERNMENT LAW DEPARTMENT 12 JUL 1954

GENERAL & PUBLIC SECTION 13 JUL 1954 MUNICIPAL BRANCH

Note—Contn Sheet

876/41

Rules framed under section 72(5) of the Ele Act

File No (6) of 1951 Part II Dept 1833

Mysore Government Secretariat

Serial No

24) The remarks of the Legislation Deptt are for renewal If approved the observations made by the Legislation Deptt may be conveyed to the - M Comm Mysore by Subsec with a draft letter for approval

27/7 14/7 14/7 Secy Deptt

21/7

27/7

Secretariat 22 JUL 195 Department

To

The M C Mysore

L 5244/C M 47-54-54 4-8-54

Conveys Cabinet information

B 12/8

(Now as Amended Legal implications)

No C2 PR 135/48-49 (1)

Encl 2/

CITY MUNICIPAL COUNCIL
P B No 17

Mysore, Dated 12-3-1954.

FROM

The Municipal Commissioner,
City Municipal Council,
MYSORE

To

The Secretary to Government,
L S G and Planning Departments,
Bangalore 1

(Through the President)

Sir,

Subject Rules framed under Section 72(5) of the City Municipalities Act for appeal to the Managing Committee on the orders of the Commissioner

---

I enclose for ready reference copies of this office communications No C2 PR 135/48-49 dated 4-7-1952 together with the other references adverted to therein regarding the above and request that orders of Government may kindly be obtained approving the rules framed by the council

Yours faithfully

Municipal Commissioner

Forwarded with compliments

President

12/3

(2)

Copy of letter No C2 PR 135/48-49 dated 9-7-1952 from the Municipal Commissioner, Mysore, to the Secretary to Government L S G and Planning Departments, Bangalore

---

Rules framed under Sec 72(5) of the City Municipalities Act relating to the Revision of assessment

---

I invite reference to this office letter No M3 P 138/48-49 dated 2-6-1948 addressed to the Secretary to Government, Revenue Department, on the above subject, and subsequent reminders ending with this office letter of even number dated 15-7-1950 and request you kindly to intimate the orders of Government, passed, if any, on the subject

Copies of the original reference, the set of rules framed and council resolution are enclosed for ready reference

---

Proceedings of the Municipal Council by circulation

Subject No 1006 draft rules framed under Sec 72(5) of the City Municipalities Act for appeal to the Managing Committee on the orders of the Municipal Commissioner, in regard to the revision of assessment as approved by the Municipal Advocate

---

The subject was circulated among the members of the Council 18 members have approved of the proposal while, 2 have suggested minor modifications It is therefore resolvedby majority that the draft rules framed under Sec 72(5) of the City Municipalities Act for preferring appeals to the Managing Committee on the orders of the Municipal Commissioner be approved

Sd P Sitharamiah,
President

Copy

Municipal Commissioner

snr

Rec 1/3

PSK

Sm

(3)

Copy of letter No.P. 135/47-48 dated 2-6-48 from the Municipal Commissioner, City Municipality, Mysore, to the Secretary to Government, Revenue Department, Bangalore.

Subject:- Rules framed under section 72(5) of the City Municipalities Act for appeal to the Managing Committee on the orders of the Municipal Commissioner.

I have the honour to state that in accordance with the provision under Section 75(1) of the C.M.C. Act general revision of assessment is takenup during the current year and the work connected therewith is under progress. Under Section 72(2) of the City Municipalities Act, the Municipal Commissioner is the revising authority and under Section 72(5) there shall be an appeal to the Managing Committee on his orders, in accordance with rules to be framed by the Municipal Council.

In accordance with the above provisions of the Act the Municipal Council have approved of the enclosed set of draft rules framed in consultation with the Municipal Advocate.

In enclosing a copy of the resolution of the Council obtained by circulation in view of the urgency as also the copy of the draft rules, I request you kindly to obtain approval of the Government to the same and communicate it early so as to facilitate disposal of appeal petitions received in this behalf.

Copy.

For Municipal Commissioner.

PSK

Appendix F G—1]

SUBJECT Rules framed under Secn 72(5) of the City Mlties Act (4)

Section

File No

Serial No

Diary No of letter replied to 8053 Pol

No C 1039/2) -4-54

To

The MC Mysore

Sir,

With reference to your letter no C2PR 135/48-49 dt 12/3/54 on the above subject I am directed to request you kindly to furnish information on the following

1) whether any rules have been framed for purposes of Sec 72(5) in the Mysore city if so, a copy of the same may be sent. In case it is not so, I am to enquire how action

Mysore Government Secretariat

( )

195

Date of issue

Signed by

List of enclosures

Copied by

Examined by

WD 03545—GI B—10 000—25 6 53

(5)

was being taken during the last twenty years i.e. Since the Act came into force on 1-8-1933.

An early reply may kindly be sent to Govt

Yf.
21/4

for Secy to Govt
Govt [illegible]

112/M

Encls Cgl PR 135748-49

Enclosure

876

(6)

CITY MUNICIPAL COUNCIL,
P B No 17

Mysore, Dated 30-4-54

FROM

THE MUNICIPAL COMMISSIONER
City Municipal Council
MYSORE

To

The Secretary to Government,

L.S.G & Planning Department, Bangalore.1.

(Through the President).

Sir,

lcm 47-54-4

Subject - Rules framed under section 72(5) of the City Municipalities Act.

L-SVR

Reference - Your letter No L. ~~182~~ 1039 dated 29-4-54.

The information called for in the above letter is furnished below -

1). Whether any rules had been framed for purposes of Section 72(5) in the Mysore city - If so a copy of the same may be sent.	Except the rules for which sanction is sought for, no rules had been framed previously. A copy of the rules which had already been sent is again enclosed for ready reference.
2). In case it is not so how action was being taken during the last 20 years ie., since the act came into force?.	The general principle enunciated in paras 2 to 5 in Chapter VII page 45 of Municipal Rules and Bye-laws were being followed.

Yours faithfully,

(N Lakshman Rau).
Municipal Commissioner.

Forwarded with compliments,

30/4

President.

PSK

(7)

CHAPTER VII A.

Rules framed under Section 72(5) of the city Municipalities Act for appeal to the Managing Committee on the orders of the Municipal Commissioner in regard to the Revision of Assessment.

1. Every appeal against the order of the Municipal Commissioner regarding the revision of assessment shall be made to the Managing Committee within thirty days from the date of the order by the Municipal Commissioner, duly stamped. — Appeals.

2. Any notice, petition or appeal may be returned by the appellate authority to the presenting party and shall be treated as not received if it is (a) prolix, unintelligible or disrespectful (b) does not bear the name, father's name, occupation or address of the petitioner or appellant and his signature or mark or that of his agent (c) is ascertained to be pseudonymous or (d) is (sent by post) unstamped or insufficiently stamped. — Return of petitions and appeals improperly presented.

3. Any appeal may be so returned which is unaccompanied by the decision or order appealed against or an authenticated copy thereof. — Return of appeal unaccompanied with necessary copies

4(i) Any appeal may be rejected by the Managing Committee, if received more than 30 days after the date of delivery in writing of the order appealed against to the party affected. — Limitation of period of appeal.

(ii) In computing this period the time requisite for obtaining a copy of such order or decision shall be e cluded

(iii) An appeal may be admitted after the expiry of such period, if the Managing Committee is satisfied that there was sufficient cause for its not having been presented earlier.

iv) Whenever the last day of such period falls on a day when the Municipal office is closed the next day on which the Municipal Office is open shall be deemed to be such last day.

5. The appeal should be in writing and should be addressed to the Chairman, Managing Committee, Municipal Office, Mysore.

6. A week's notice specifying the time and place of hearing of the appeal by the Managing Committee shall be given in writing to the appeallant.

7. The appellant may represent his case to the Managing Committee either personally or through a counsel.

P.T.O

(8)

8. The decision of the Managing Committee shall be intimated to the prties concerned within one week from the date of order.

9. The decision of the Managing Committee in the matter shall be final and there shall be no further appeal to any ~~in~~ other authority.

C o p y,

Municipal Commissioner.

PSK.

1673

C2. P.R. 135/48-49.

CITY MUNICIPAL COUNCIL,
P B No. 17-
Mysore Dated 29-5-54

FROM
The Municipal Commissioner,
City Municipal Council
MYSORE

To
The Secretary to Government,
L S.G & Planning Departments,
Bangalore.-1

Sir,

Subject - Rules framed under Section 72(5) of t
the City Municipalities Act.

I invite you kind reference to this office letters of even No. Dated 12-3-54 and 30-4-54 on the above subject and request you kindly to obtain orders of the Government in the matter early.

Yours faithfully,

(N Lakshman Rau).
Municipal Commissioner.

PSK.

(10)

Subject Rules framed under

Section 72(5-1) of the Cty-Mills

Act — Mysore Cty-Mills

L 5244/C

24-8-54/C on 47-54-5

The Dy Comm Mysore Cty-Mills

Kly the proceds

Re Correspondence ending with-

with Reference to Mysore Letter

C2 PR 135/Cts-CS Dd 30.4.52

in the above subject I am directed

to state - that the provisions of laws

under which the Rules have

to be approved by the Govt as not

Clear - the provisions under

~~which Govt's approval is necessary~~

~~may be undertaken~~ If there

is no rule or order under

Section 228 or any other provision

laying down that the Govt's

approval is necessary, the MCs

may themselves make the

Rules

It is however desirable

to suggest to the MCs that the

The provisions under which Govt's approval is necessary may be undertaken

(11)

Rules may be made as proposed
enabling Rule 9 as it does not fall
within the scope of the Rule making
powers available under sub-section
(5) of section 72 of the Metropolitan Police Act 1933
and has been provided for in the
sub-section itself and also after
the usual publication since they affect
the public and it is preferable
to consider objections and suggestions
from them

9 7

All

(12)

L 5244/E4 47-524-5

Municipal Branch,
4 August 54

The
L S G & Planning Departments

To

The Municipal Commissioner,
Mysore City Municipality,
(through the President)

Sir,

Subject - Rules framed under section 72(5) of the City Municipalities Act - Mysore City Municipality

---

With reference to the correspondence ending with your letter No C2 PR 135/48-49 dated the 30th April 1954 on the above subject, I am directed to state that the provision of law under which the rules have to be approved by Government is not clear The provision under which Government's approval is necessary, may be indicated If there is no rule or order under section 228 or any other provision laying down that the Government's approval is necessary, the Municipal Council may themselves make the rules

2 It is however desirable to suggest to the Municipal Council that the rules may be made as proposed omitting rule 9 as it does not fall within the scope of the rule-making powers available under sub-section (5) of section 72 of the Mysore City Municipalities Act, 1933 and has been provided for in the sub-section itself and also after previous publication since they affect the public and it is preferrable to consider objections and suggestions from them

Yours faithfully,

(V Hanumanthappa)
for Secretary to Government,
L S G & Planning Departments

LNS 2 3/8

N - 6
C - 12